



Appeal Decision

Site visit made on 25 July 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/X3405/W/25/3365561

155 Walsall Road, Norton Canes, Cannock WS11 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Honeybuns Day Care Nursery against the decision of Cannock Chase District Council.
 - The application Ref CH/24/345
 - The development proposed is Erection of ancillary nursery building.
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Decision

1. The appeal is allowed and planning permission is granted for the Erection of ancillary nursery building at 155 Walsall Road, Norton Canes Cannock WS11 9QX in accordance with the application Ref: CH/24/345 and the plans submitted with it, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NAP 2452 02A and NAP 2452 01A.
 - 3) The external materials of the development hereby approved shall be completed in accordance with plan reference NAP 2452 02A and shall be maintained for the lifetime of the development.
 - 4) Notwithstanding the plans hereby approved, a scheme for the replacement of boundary structures to the Chapel Street frontage shall be submitted to, and approved in writing by, the local planning authority and thereafter completed in accordance with the approved details prior to the first use of the development hereby approved.

Main Issues

2. The main issues are the effect of the development upon:
 - the character and appearance of the area, and
 - living conditions of adjoining users.

Reasons

Character and appearance

3. The proposal intends to provide additional capacity by the provision of an L-shaped single storey building within the curtilage of an established Day Care Nursery located in a part of the established settlement of Norton Canes. The existing day nursery is a two-storey pitched-roof building which occupies the larger part of the appeal site, a broadly rectangular parcel of land located between Walsall Road and Chapel Street. The setting of the appeal site is characterised by a mix of uses and property of differing ages but typically two-storeys in height. The boundary treatment at the rear of the appeal site which fronts Chapel Street is an unsightly mix of brick, block and concrete panels with timber panel fencing. Adjoining users include a pair of older semi-detached houses¹ with limited amenity space and some recently constructed houses yet to be occupied at the time of my site visit.
4. The proposed building would be flat roofed and wrapped around part of the shared boundary with No.13 Chapel Street (No.13) but inset from the Chapel Street frontage. Although the Council suggest the building would be an incongruous addition to the street scene, this assertion does not appear to acknowledge the variety of built forms and mixed development pattern found in the immediate area. The existing day nursery includes a flat-roofed single storey element facing Walsall Road to which the proposed extension would be attached. Whilst I note the comments of the Council, that a flat-roofed building would be visible to the street and does not necessarily indicate visual harm. Overall, I do not consider the visual amenity of the street scene would be harmed by the proposal and, to the extent that the proposed development might lead to a suitable replacement of the existing untidy boundary treatment of the Chapel Street frontage, a grant of permission with suitable conditions to this effect would be a benefit to the character and appearance of the area such that there would be no conflict with Policy CP3 of the Cannock Chase Local Plan (2014) which seeks high quality design and that development should be well-related to existing buildings and their surroundings.

Living conditions

5. The proposed building, at a height of 2.8m would exceed the height of the existing boundary fencing to No.13 Chapel Street (No.13) which has limited outdoor amenity space. Although the internal layout of the dwelling pair² is not known the location of the (side) entrance and the short two-storey outrigger suggest a conventional internal layout with two habitable rooms per floor in the main block and an additional room at each level in the outrigger with a side outlook. The ground floor of the outriggers would likely be a kitchen or similar service space. On that basis the outlook access to daylight for habitable rooms in the main block would not be significantly changed by the proposal. Whilst the proposed building will intrude upon outlook from side-facing windows such as in the outrigger of No.13 the impact will be negligible for the upper floor rooms and limited for ground floor spaces although these may not be habitable rooms. I also note that the separation distance relevant to No.13 appears to be greater than that now found in relation to the recently constructed houses adjacent No.15 Chapel Street which are two storeys in height.
6. Overall I do not consider the proposed building will have an overbearing impact upon occupiers of No.13, nor, given the existing orientation, that access to daylight and sunlight for occupiers will be unacceptably reduced. I find there would be no

¹ Including 13 Chapel Street

² Nos. 13 and 15 Chapel Street

conflict with Policy CP3 of the Cannock Chase Local Plan (2014) which seeks high quality design and that development should protect the amenity of existing users.

7. I therefore conclude, for the reasons given and taking all matters raised into account, that the appeal should succeed subject to the usual timing and plans conditions together with conditions relating to the use of materials and boundary treatments that are necessary to protect the visual amenity of the area.

Andrew Boughton

INSPECTOR